

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ELECTRONICALLY FILED

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ENERGY BRANDS INC. d/b/a GLACÉAU, :
 :
Plaintiff, :
 :
v. :
 :
NATIONAL BEVERAGE CORP., :
 :
Defendant. :
 :
----- X

08 Civ. 4909 (JSR)

**STATEMENT PURSUANT TO
RULE 7.1**

This statement is submitted pursuant to Rule 7.1 of the Federal Rules of Civil Procedure in order to enable District Judges and Magistrate Judges of the Court to evaluate possible disqualification or recusal. The undersigned counsel of record certifies that plaintiff Energy Brands Inc. d/b/a Glacéau is a wholly-owned subsidiary of The Coca-Cola Company, a publicly-held corporation.

Dated: May 28, 2008
New York, New York

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